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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,957	04/13/1999	JOHN S. HENDRICKS	026880.00024	9303

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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3685

NOTIFICATION DATE	DELIVERY MODE
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07/22/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/289,957	Applicant(s) HENDRICKS ET AL.	
	Examiner JOHN M. WINTER	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 225-281 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 225-281 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Acknowledgements***

The Applicants amendment filed on March 18, 2009 is acknowledged, Claims 225-281 remain pending. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2009 has been entered.

Response to Arguments

The Applicant's arguments filed on April 22, 2009 have been fully considered.

The Examiner notes that the features disclosed by figure 6b of the specification filed on April 29, 2008 and columns 8-12 of Patent 5,986,690—specifically in regard to the feature of “matching ID of viewer with ID of data stream” and “decrypting at the moment of viewing” at column 11, lines 17-19 of Patent 5,986,690, more fully describes Applicant's method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 225-281 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartrick et al. (US Patent 5,532,920) in view of Wolfe (US Patent 4,796,220) .

As per claim 225,

2. a transmitter, coupled to the processor, that sends the electronic book selection and the processor identification to the ordering site;
a receiver module that receives a data signal and a local authorization code,
wherein the data signal comprises an encrypted electronic book selection and wherein the local authorization code allows the data signal to be decrypted for viewing;(Figure 9A)
a memory coupled to the receiver module, the memory storing the received authorization code until needed for decrypting the data signal.
a viewer capable of receiving data, wherein the viewer, comprises: a decryptor that decrypts the data signal, a display that displays pages of the electronic book, a book memory that stores the electronic book, and a control module that controls viewing of the electronic book
Hartrick et al. ('920) discloses a method for providing electronic books to a subscriber, comprising: receiving, via a processor of a library unit, a request for an electronic book from an electronic book ordering site, wherein the library unit has an identification (library ID), and wherein the electronic book ordering site includes an electronic book viewer that has a viewer identification (electronic book viewer ID); (Column 12, lines 20-33
)requesting the electronic book from an operation center; upon a determination that a status

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of an account associated with the electronic book viewer is current, determining that the electronic book viewer is an authorized viewer; (Figure 8A)

transmitting a data signal and a local authorization code from the operation center to the library unit, wherein the data signal comprises an encrypted content of the requested electronic book, and at least two unique ID numbers, wherein one of the at least two unique ID numbers matches the library ID (Column 7, lines 20-47) and another of the at least two unique ID numbers matches the electronic book viewer ID, wherein the local authorization code is used to decrypt the encrypted content of the requested electronic book; (Column 6, lines 61-67)

decrypting the encrypted content of the electronic book using the local authorization code; displaying pages of the electronic book; storing the electronic book in a memory, and controlling viewing of the electronic book via a control panel of the electronic book viewer, wherein the electronic viewer is separate from the library unit and communicates with library unit via a wired or wireless interface. (Column 7, lines 20-47)

Hartrick et al. ('920) does not explicitly disclose "receiving, at the library unit, the data signal and the local authorization code; storing the received authorization code; transmitting the data signal and the local authorization code to the electronic book viewer, and at the electronic book viewer," Wolfe ('220) discloses "receiving, at the library unit, the data signal and the local authorization code; storing the received authorization code; transmitting the data signal and the local authorization code to the electronic book viewer, and at the electronic book viewer" (Column 7, lines 24-56) It would be obvious to one having

ordinary skill in the art at the time the invention was made to combine the Hartrick et al method with the Wolfe method in order to securely distribute software

3. As per claim 226,

Hartrick et al. ('920) discloses The method of claim 225,

wherein the library unit further comprises an external interface to an external receiver, the external receiver receiving the data, the external interface transmitting the data to the library unit.(Figure 2 – element 92 network adapter)

4. As per claim 227-230

Hartrick et al. ('920) discloses method of claim 226

wherein the external receiver is a modem.(Column 6, lines 51-54)

Examiner notes that the usage of any type of receiver to input data is well known in the art of data transfer.

5. As per claim 231

Hartrick et al. ('920) discloses The method of claim 225, wherein the steps of receiving, communicating, transmitting, and storing the local authorization code are performed by a set top terminal operably connected to a television, and wherein the step of receiving the data signal receives broadcast television program signals, the data signal multiplexed with the television program signals, the method further comprising demultiplexing the data signal and the television program signals. (Column 7, lines 19-24)

6. As per claims 232-234

Hartrick et al. ('920) discloses the apparatus of claim 225

Official Notice is taken that “the memory and the processor are contained on a smart card incorporated into a digital television, and wherein the receiver module receives broadcast television program signals,” is common and well known in prior art in reference to data transfer protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a smart card in order to control access rights and usage of the broadcast content .

7. As per claim 235,

Hartrick et al. ('920) discloses the method of claim 225, wherein the steps of receiving the data signal, communicating, transmitting and storing the local authorization code are performed in a personal computer. (Figure 1, column 6, lines 44-54)

8. As per claim 236,

Hartrick et al. ('920) discloses the method of claim 235,
wherein the personal computer further comprises a connector that couples the personal computer to a digital television, the digit television comprising a second receiver that receives the digital broadcast television program signals and the data signal, and wherein the personal computer sends the data signal and the local authorization code to decrypt the

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data signal.. (Figure 1, column 6, lines 44-54.) Furthermore the mere duplication of a claim element (i.e. second receiver) does not merit patentability)

9. As per claims 237-238,

Hartrick et al. ('920) discloses the method of claim 236

10. Official Notice is taken that “wherein the connector is one of a

radio frequency connector, an infra red connector and a wired connector, wherein the wired connector comprises RS-232 connections and an RS-232 cable.” is common and well

known in prior art in reference to data transfer protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an industry

standard interface such as a RF connector or wired connector because interfaces are recognized as an industry standard and do not require special implementation.

11. Claims 239-281 are not patentably distinct from the above rejected claims and are rejected for at least the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685